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OVER THE RAINBOW AND DOWN THE RABBIT HOLE: LAW AND ORDER IN CHILDREN'S LITERATURE

SARAH HAMILTON*

It was all very well to say 'Drink me,' but the wise little Alice was not going to do *that* in a hurry. "No, I'll look first," she said, "and see whether it's marked '*poison*' or not": for she had read several nice little stories about children who had got burnt, and eaten up by wild beasts, and other unpleasant things, all because they *would* not remember the simple rules their friends had taught them: such as, that a red-hot poker will burn you if you hold it too long; and that, if you cut your finger *very* deeply with a knife, it usually bleeds; and she had never forgotten that, if you drink much from a bottle marked 'poison,' it is almost certain to disagree with you sooner or later.¹

I. INTRODUCTION

Children's literature is the contemporary mythology of the Western world. As such, the stories of classic children's literature play a formative and unparalleled role in the socialization of new legal citizens. Tales we read as children become deeply ingrained in popular culture, and as adults,

*J.D. 2004, University of Colorado. An avid reader of children's literature, I approached this project with some trepidation. Literary analysis has the potential to divest even the most enjoyable tale of its joy and humor in the process of extrapolating symbols and meaning. Charles Dodgson (Lewis Carroll) himself ridiculed such attempts, sarcastically having his unattractive Duchess declare that "Everything has a moral, if only you can find it," and denied that ALICE'S ADVENTURES IN WONDERLAND was anything more than a story written for children's amusement. Robert Phillips, *Foreword* to ASPECTS OF ALICE: LEWIS CARROLL'S DREAMCHILD AS SEEN THROUGH THE CRITICS' LOOKING-GLASSES, 1865-1971 xxii (Robert Phillips, ed., 1971) (1972). Nonetheless, Dodgson also acknowledged that "words mean more than we mean to express when we use them; so a whole book ought to mean a good deal more than the writer means." *Id.* WIZARD OF OZ creator L. Frank Baum likewise encouraged "the more thoughtful of my readers" to seek out "a wholesome lesson hidden beneath each extravagant notion and humorous incident." Michael Patrick Hearn, *Introduction* to THE ANNOTATED WIZARD OF OZ, xlviii (Centennial ed. 2000) (1973). The analysis in this paper, then, deals not with authorial intent but with what lessons a young reader might extrapolate from the story. I sincerely hope that my interpretation is sufficiently "wholesome" to meet with both authors' approval.

1. Lewis Carroll, ALICE'S ADVENTURES IN WONDERLAND in THE ANNOTATED ALICE: THE DEFINITIVE EDITION 17 (Martin Gardner, ed., 2000) (1960). As both ALICE'S ADVENTURES IN WONDERLAND and THE WONDERFUL WIZARD OF OZ have been reprinted and republished hundreds of times, pinpoint citations in this article include chapter numbers, common to all editions, in addition to page numbers.

we continue to identify situations and individuals according to the norms we learned in our bedtime stories. Gloomy Eeyores, fairy godmothers, Big Bad Wolves, and a host of other fairy-tale creatures are the people in our lives, while we ourselves are the Jacks, the Goldilocks', the Hansels and Gretels, battling off the forces of chaos and danger that surround us.

Not only the characters, but the content of such stories—the morals and lessons we learn from this popular mythology—are determinative factors in establishing what sort of individuals, and what sort of society, we want to become.² Many contemporary children's stories, particularly Disneyfied versions of traditional folk tales, are whitewashed and sanitized to eliminate any hint of subversion, rationalize and normalize relationships of power, teaching children that obedience to authority is "good" without providing any real justification for social hierarchy, laws, or morality, and discouraging challenges to authority figures or the laws they impose. Conversely, the extraordinarily popular children's stories of *Alice's Adventures in Wonderland* ("Alice") written by Oxford logician Charles Dodgson and published under the name Lewis Carroll in 1865,³ and *The Wonderful Wizard of Oz* ("Oz"), American author L. Frank Baum's 1900 masterpiece, have survived the test of time despite their promotion of a very different jurisprudential lesson: namely, that logic and independent thought are higher virtues than blind deference to authority.

In this article, I will examine the ideological nuances of *Alice* and *Oz* and the ways in which these stories may affect children's legal and social development. Part II expounds upon the proposition that the canon of children's literature comprises the popular mythology in the contemporary English-speaking world and that *Alice* and *Oz* are fundamental, if subversive, aspects of that canon. Part III outlines the basic plot of *Alice's Adventures* and describes the heroine's development of independent thought and self-reliance through her observations of the nonsensical legal system promulgated by adults. Part IV similarly deconstructs *The Wizard of Oz*, emphasizing Dorothy's discoveries that respect must be earned, not demanded, and that each individual has the power to shape her own destiny. Part V briefly summarizes the fundamental differences and similarities of the two stories, and suggests that the "subversive" subtext of both can offer valuable lessons for precocious, or rebellious children.

2. See, e.g., Desmond Manderson, *From Hunger to Love: Myths of the Source, Interpretation, and Constitution of Law in Children's Literature*, 15 LAW & LITERATURE 87, 87-88 (2003) (stating that myth or the absence of myth "lies at the heart of modern law").

3. See Martin Gardner, *Introduction to THE ANNOTATED ALICE: THE DEFINITIVE EDITION* xvi (Martin Gardner, ed., 2000) (1960).

II. THE SOCIALIZATION OF LEGAL CITIZENS THROUGH MYTH

A. FORM: CHILDREN'S LITERATURE AS WESTERN MYTHS

Every society is bound and, in part, defined by a set of common myths that is known and understood by all members of the group.⁴ Classical Mediterranean societies had their legends of Olympus, the Norsemen their Valhallan epics, and the ancient Chinese their Confucian parables. While the messages conveyed by these myths vary between times and places, their function remains the same: to convey lessons of how the society should function, to define the individual's role within the group, and to set forth the fundamental moral and practical basis for the codes of legal order within each society.⁵ Rather than laying down formal law that may later be challenged or overturned, stories "inscribe behavior: they lay down ways of being in us."⁶ This internalization renders challenge to the myths' morality exceptionally difficult, as members of the group cannot regain an outside perspective from which to critique the justice or objective logic of the moral order.

Just like religious or folk myths in other cultures, the iconography and morality contained in English-language children's stories are universally recognized in our society. What adult or child cannot summarize the plot of Cinderella or Peter Pan, or is unable to name a favorite character in Winnie the Pooh? While all literature may serve to reinforce social standards and norms, the ideas conveyed by those stories read "in those tender years when fact and fiction merge"⁷ play an especially formative role in the designation of modes of thought and internalization of social and legal norms.⁸ While social development is obviously influenced by a wide variety of experiences ranging from peer interactions to schoolroom lessons, stories can be particularly important in this process because child readers identify uncritically with the fictional narrative and its heroes and heroines. As early as 1907, parenting guides asserted that "the selection of books for children's reading is quite as important as the selection of food for their sustenance," and recommended overtly moralistic stories as the most

4. Manderson, *supra* note 2, at 88.

5. See C. Lewis Holton, *Once Upon a Time Served*, 39 INT'L J. OF OFFENDER THERAPY 210, 212 (1995) (reviewing Gerhard O. Mueller's work); Katherine J. Roberts, *Once Upon The Bench: Rule Under The Fairy Tale*, 13 YALE J.L. & HUMAN. 497, 502 (2001); Manderson, *supra* note 2, at 93; John Griffiths, *What Is Legal Pluralism?* 24 J. OF LEGAL PLURALISM 1, 38 (1986); Hendrik Hartog, *Pigs and Positivism*, 1985 WISC. L. REV. 899, 900 (1985).

6. Manderson, *supra* note 2, at 90.

7. See D.A. MILLER, *THE NOVEL AND THE POLICE* 192 (1988) (quoting Virginia Woolf).

8. See e.g., Manderson, *supra* note 2, at 92.

wholesome for such purposes.⁹ Today, adults continue to carefully monitor the moral values conveyed to children via literature and film as a result of the uncontroverted belief that childhood experiences are a major source of the morality maintained in adulthood.¹⁰

As such, the legal content of the tales told to children is crucial to an understanding of how adult society views justice and morality. Few adults will ever read, much less understand, the technical statutory and case law on capital punishment, but most would agree that Snow White's evil stepmother deserved her fate. Through the apparently innocent medium of contemporary children's entertainment, the jurisprudence contained in these stories subtly informs the reader's life-long understanding of morality, justice, and the law.¹¹

B. SUBSTANCE: LESSONS CONVEYED IN TRADITIONAL CHILDREN'S STORIES

What then, do children's stories have to say about the law? What fundamental truths of order and authority are conveyed to each new generation through fantasy and fiction? Obviously, children's books are educational tools, and the primary purpose of education is preparation for active participation in the adult world. But what do our society's myths tell us is required for this transformation?

Primarily, children's stories tend to promote uncritical acceptance of the status quo.¹² To children, responsibility, rules, and punishment are often experienced as inherently arbitrary.¹³ Basic social rules that are taken for granted by adults—do unto others as you would have them do unto you—are utterly unjustifiable by any objective standard, and must simply be accepted at face value. Children's resistance to such blind deference is classified as "disobedience," but a child may find it difficult to understand why without an understanding of the underlying rule. Some rules, such as "do not hold a red-hot poker too long," may be easily understood as being

9. Russel B. Nye, *An Appreciation*, in *THE WIZARD OF OZ AND WHO HE WAS* 1, 14 (revised ed. 1994) (1957) (quoting Hamilton Mabie, in *THE LADIES' HOME JOURNAL* (1907)).

10. Roberts, *supra* note 5, at 508; MARIA TATAR, *OFF WITH THEIR HEADS! FAIRY TALES AND THE CULTURE OF CHILDHOOD* 192 (1987); Michael Patrick Hearn, *Introduction to THE ANNOTATED WIZARD OF OZ* xliv (Centennial ed. 2000) (1973) ("the time when anything was good enough for children has long since passed, and the volumes devoted to our youth are based upon the fact that they are the future citizens: that they are the country's hope, and are thus worthy of the best, not the worst, that art can give") (quoting *NEW YORK TIMES*, Sept. 8, 1900).

11. See Roberts, *supra* note 5, at 508-09.

12. See Roberts, *supra* note 5, at 510.

13. See, e.g., W.H. Auden, *Today's "Wonder-World" Needs Alice*, in *ASPECTS OF ALICE: LEWIS CARROLL'S DREAMCHILD AS SEEN THROUGH THE CRITICS' LOOKING-GLASSES, 1865-1971* 10-11 (Robert Phillips, ed., 1971) (1972).

in the legal subject's own self interest, and a child who violates this rule soon learns that he has made the wrong choice. Social rules, however, such as "don't tease your little brother," lack this immediate cause-and-effect logic, and can only be justified by amorphous appeals to ideals of "right" and "wrong" behavior. For young children, "because I said so" is frequently the only justification given—or needed—to establish the moral rightness or wrongness of a given rule.

Law, by definition, governs situations in which the actor (in this case, the child) would not be punished by her own actions absent the intervention of authority—the social rules for which no obvious justification is available. Laws are necessary only when an action that the authority wishes to prohibit does not automatically produce a negative response that would discourage the activity on its own. For instance, a child who knows that her hand will be burned if she holds a hot poker is unlikely to do so, whereas a child who teases her younger brother is unlikely to stop unless an authority figure creates a punishment for such conduct. Absent the imposition of a punishment for this action, the child will be unable to identify why such action was "bad" in the first place. To correct her behavior, such a child may be denied dessert after dinner. This is an utterly unrelated punishment, and teaches the child that she should not tease her brother, but provides no explanation of *why* she should not tease her brother, or what such conduct has to do with dessert. In such a case, then, children learn the law only by discovering that they have broken it.¹⁴

Children's literature provides an alternative method of social education. The fictional world of literature, and particularly the use of magic and the surreal, enables children to see cause-and-effect relationships between rules and punishments that are normally more amorphous. In real life, a child with no understanding of private property rights may not comprehend why it is so important to stay off the neighbor's lawn, but in a fairy tale, a child who enters another's property may find herself surrounded by angry bears. Likewise, children understand that Pinocchio's lies and disobedience cause his nose to grow, and that Hansel's and Gretel's selfish greed leads to their imprisonment and near-execution by a vicious witch. Such stories rely on what Maria Tatar has called "brutal intimidation to frighten children into complying with parental demands,"¹⁵ but fail to

14. Manderson, *supra* note 2, at 108.

15. Tatar, *supra* note 10, at 8.

provide any deeper understanding of why such demands are objectively reasonable or necessary.¹⁶

The vast majority of "serious" children's literature, then, teaches the young reader to obey authorities and laws even when they do not understand why.¹⁷ Many such stories are explicitly jurisprudential, created or adapted to convey moral lessons on appropriate behavior and advice on how to achieve success.¹⁸ Aesop's Fables, for instance, were composed for the specific purpose of instilling moral lessons, while Charles Perrault's French fairy tales came complete with a short verse at the end of each to clarify the moral lesson or advice contained therein.¹⁹ Other children's stories employ more subtle coercive techniques, whereby a child comes to identify with the heroine's emotions and to desire the same resolution of her own problems, to convey the same lessons.²⁰ Max, the initially rebellious protagonist of *Where the Wild Things Are*, learns that a Wild Rumpus isn't all it's cracked up to be, and willingly exchanges freedom and mischief for the rule-bound but comfortable life of home.²¹ The Darling children of J.M. Barrie's *Peter Pan*, likewise, are given all the freedom they could want but swiftly realize that they long for the return of rules and responsibility.²² By exposing children to a consistent, straightforward scheme of right and wrong, good and evil, we hope to inculcate young legal citizens with modes of thinking that will produce automatic conformation to general social morality and norms of behavior.²³ Children are thus taught to believe in the

16. See, e.g., Tatar, *supra* note 10, at 7 (demonstrating that as social ideas of justice change over time, the stories change to match). The Disney version of *Sleeping Beauty*, for instance, provides a very different lesson about acceptable behavior than the one originally collected by the Brothers Grimm, and is still more distant from the original bloody, highly sexualized folk tale on which it was based.

17. There is also, of course, a substantial genre of books for children that are based on a general affection for chaotic, wild playfulness. These are, perhaps, the most subversive of all: the values they teach include total disrespect for authority and disregard of rules. Books such as Dav Pilkey's *Captain Underpants and the Wrath of the Wicked Wedgie Woman* (Scholastic 2001), one of a long series about two mischievous boys who magically transform their school principal into a superhero, are unlikely to retain a lasting influence over the hearts and minds of children. By "serious" literature, I mean those books that reflect a conscious attempt to convey moral or social lessons.

18. SHELDON CASHDAN, *THE WITCH MUST DIE: HOW FAIRY TALES SHAPE OUR LIVES* 8 (1999).

19. See Aesop, *THE CLASSIC TREASURY OF AESOP'S FABLES* (Harper Collins 1990); Charles Perrault, *THE COMPLETE FAIRY TALES OF CHARLES PERRAULT* (Clarion Books 1993).

20. Lawrence Lessig, *The Regulation Of Social Meaning*, 62 U. CHI. L. REV. 943, 973-76 (1995) (quoting Brief for Respondents at 6); Tatar, *supra* note 10, at xvi; Roberts, *supra* note 5, at 509; Manderson, *supra* note 2, at 117-18.

21. See generally Manderson, *supra* note 2, at 98-125.

22. J.M. BARRIE, *PETER AND WENDY* (Scribner's Sons 1911).

23. Manderson, *supra* note 2, at 117-18.

values of the law and to implicitly trust the judgment of authority figures, without seeking underlying justifications or rationalizations.

Children lack an objective perspective from which to question the statements of rules and definitions of right and wrong set forth by parents, teachers, and fairy-tale heroes, even when the rules seem unfair or illogical to the child.²⁴ The young legal subject listening to a bedtime story "can no less plead 'but this, sir, is just a social construction' than she can declare 'I believe two twos are five.'"²⁵ Fictional narratives that subtly show why certain actions are "bad" are still less identifiable as moral instruction, and even the most rebellious child may unconsciously internalize lessons from literature that she would reject if given a direct order. The coercive educational capabilities of children's literature thus enable a transition from resentful obedience to voluntary internalization of the rules, as the child reader learns for herself that the laws and authorities she chafes against are in place for the benefit of society, and the basic framework of right and wrong becomes normalized.²⁶

C. ALICE AND OZ: SUBVERSIVE LESSONS IN CHILDREN'S LITERATURE

The vast majority of moralistic children's literature, then, depicts a world of black and white, good and bad, with clear consequences for actions in each category. By the time we reach adulthood, however, we have all learned that there is no absolute morality, and that the world is in fact composed of shades of gray in which individual judgment must be applied to establish one's own moral compass, and in which few actions are guaranteed to achieve a certain result. This new perspective leads many to look more critically at certain underlying rules that had hitherto been accepted "because I said so," seeing the "justifications" provided by platitudes like the golden rule for the social constructs they are. Occasionally, a children's book comes along that offers this more nuanced, mature perspective on social order. Such books may endure through the generations specifically because of their alternative depiction of legal citizenship. Adults may gravitate towards books that stand out in their own memories as different from other children's stories, that taught them lessons that held true through the test of time.²⁷

24. *Id.* at 115-16.

25. Lessig, *supra* note 20, at 975.

26. Manderson, *supra* note 2, at 121.

27. Novelist Alison Lurie has suggested that "most of the great works of juvenile literature are subversive in one way or another: they express ideas and emotions not generally approved of or even recognized at the time; they make fun of honored figures and piously held beliefs; and

Among the most popular and enduring of such books are Lewis Carroll's *Alice's Adventures in Wonderland* and L. Frank Baum's *The Wonderful Wizard of Oz*. In the years since its publication, *Alice* and its sequel, *Alice's Adventures Through the Looking-Glass*, have been reincarnated in television, musicals, movies, animation, and abridgements, and translated into forty-seven languages.²⁸ *Oz*, meanwhile, has been reproduced as a vaudeville musical and three separate film versions, and transformed into a literary canon of its own with more than forty sequels by various authors.²⁹ An estimated one billion people have either read *The Wonderful Wizard of Oz* or seen the wildly popular 1939 MGM film version starring Judy Garland and Margaret Hamilton.³⁰

The popularity shared by both books has been attained at least in part by the unique visions of social responsibility they offer. *Alice* and *Oz* are subversive, as compared to other works of children's literature, in that they provide a more mature perspective on the world and the legal role of the citizen. While Disneyfied fairy tales, Victorian novellas, and other traditional stories emphasize the value of obedience, *Alice* and *Oz* teach that deference to authority may be misplaced, and that in some cases obedience is less a virtue than a liability.³¹ These books champion independent thought and self-reliance. Both books' small heroines learn that their own judgment is sound, that they can solve their problems themselves, and that relying on official rulings and decision making by others can lead to chaos and danger.³² In the guise of a children's story, then, both Baum and Carroll depict variations on the very grown-up theme of classical liberalism.

they view social pretenses with clear-eyed directness, remarking—as in Andersen's famous tale—that the emperor has no clothes.” Alison Lurie, *DON'T TELL THE GROWN-UPS: THE SUBVERSIVE POWER OF CHILDREN'S LITERATURE* 4 (1990). While children's “classics” may frequently contain some subversive elements, such as the evasion of punishment in *Tom Sawyer* or the initial rebelliousness of *Where the Wild Things Are*, few books embody such a thorough and consistent rejection of the status quo as can be found in *Alice* and *Oz*. Ms. Lurie's analysis focuses primarily on the subversive nature of the authors of children's literature, misfits all, rather than the explicit messages contained in their stories for children. See generally, *id.*

28. Robert Phillips, *Foreword* to *ASPECTS OF ALICE: LEWIS CARROLL'S DREAMCHILD AS SEEN THROUGH THE CRITICS' LOOKING-GLASSES, 1865-1971* xix (Robert Phillips, ed., 1971) (1972); but see Martin Gardner, *Introduction* to *THE ANNOTATED ALICE* 7-8 (Martin Gardner, ed., 2000) (1960) (contending that the *Alice* books can no longer be read and enjoyed by children, presumably because the vocabulary and satire require a historical context modern children lack). While today's children may not entirely understand all the nuances and social puns of *Alice*, they can—and do—still follow and enjoy the simple humor of the many countercultural episodes, from the nonsensical games and logic to *Alice's* own amused rebellions against the foolish adults she meets. *Id.*

29. See generally Hearn, *supra* note 10, at xi-cii. See also Martin Gardner, *The Royal Historian of Oz*, in *THE WIZARD OF OZ AND WHO HE WAS* 19, 40-41 (revised ed. 1994) (1957).

30. CASHDAN, *supra* note 18, at 218.

31. See *infra* Part III (C); Part IV; notes 159-65 and accompanying text.

32. See *infra* Part III (B).

As parents and teachers, some adults have consciously or subconsciously responded to this complex depiction of society, drawn to the themes that resonate with their own experiences, and have introduced and reinforced the values of self-reliance and critical thought to each successive generation via children's books like *Alice* and *Oz*.

The adventures of Alice and Dorothy, then, have helped shape the legal and social consciousness of generations of young readers by presenting children with a mature perspective on the relationship between the legal subject, the law itself, and legal authority. The relationships between the heroines and the law, and the heroines and legal authority, are interrelated, but have been analyzed in this paper as distinct subjects. It is possible, it seems, to reject deference to the actual, human source of the law, but to accept the laws themselves as absolute. Such is the case in *The Wonderful Wizard of Oz*, perhaps the quintessential American fairy tale. Dorothy, the child-citizen, challenges and rejects deferential attitudes towards those in positions of unearned authority, but leaves intact and unquestioned the "natural law" and moral judgments of the land.³³ In *Alice*, conversely, the legal subject is a basically logical individual whose adventures underground teach her that both legal authority and legal order may be hollow, illogical, and meaningless, and therefore unworthy of deference.³⁴ Though these two books were written in extremely disparate social and political climates, the fundamental lessons of independence and challenge to the status quo are the same.

III. LAW AND ORDER IN WONDERLAND

The nonsense world of Wonderland appeals to children in part because it substitutes a new sort of nonsense for the everyday absurdities of a child's life. As discussed above, children are constantly subjected to rules that cannot be or are not objectively justified or rationalized. Rote memorization of such rules, and unchallenged deference to authority, without any fundamental logical basis for such conduct, is part of being a child.

This was, perhaps, especially true for Dodgson's (aka Carroll's) intended audience. *Alice's Adventures in Wonderland* was first released just in time for Christmas 1865, at the height of the Victorian era's social formalities and class-conscious hierarchies.³⁵ The story was originally

33. See *infra* notes 166-69 and accompanying text.

34. See *infra* Part III (D).

35. Roger Lancelyn Green, *Alice*, in *ASPECTS OF ALICE: LEWIS CARROLL'S DREAMCHILD AS SEEN THROUGH THE CRITICS' LOOKING-GLASSES, 1865-1971* 22 (Robert Phillips, ed., 1971) (1962).

composed on a boating trip one afternoon at the insistence of the three young daughters of Dodgson's Oxford dean.³⁶ Alice Liddell, the dean's second daughter, was a special favorite of Dodgson's, and served as the model for the heroine of his story.³⁷

The Liddell girls, like other daughters of highly respectable Victorian families, were ingrained almost from birth with their place in the social hierarchy and of the manners and education essential to that position.³⁸ Alice's Victorian education required that she memorize countless moralistic poems; learn Latin, Greek, and school spirit; show extreme deference to her elders and social betters; curtsy properly; speak only when spoken to; and, of course, display flawless table manners.³⁹ The storybook Alice, like the real girl who inspired her, has conscientiously learned those lessons as directed by parents and governesses, but her knowledge is purely superficial. She lacks any real understanding of why such knowledge and conduct is important, and shows no real inclination for the subject matter. It is her disinterest in such matters that leads to her tumble down the rabbit hole in the first place, as she abandons her sister and her dull nonfiction book to go chase a rodent with a pocket watch.⁴⁰

Alice's Adventures in Wonderland, then, represents the struggle of one child to make sense of a world of arbitrary and inexplicable rules and authority.⁴¹ Alice's journey through Wonderland and her encounters with the Wonderland denizens enables her to test her own ability to reason through the rules imposed on her, and she comes to the inescapable conclusion that those rules do not hold up in real life. As Alice travels, she increasingly recognizes that her own logic is just as good, and often better, than that of the bossy adults around her. The rules and advice that seem nonsensical to her may actually *be* nonsensical; just because an adult tells her that her actions are wrong does not mean it is true. Emboldened, then, by a newfound faith in her own critical abilities, Alice abandons her prior mode of obedience to externally imposed rules and comes to rely on her own judgment instead of that of her social betters. This is a quiet rejection of the "because I said so" rationalization of legal order referred to in Section II of this article.

36. Auden, *supra* note 13, at 3-4.

37. *Id.*

38. See, e.g., May Lee, *Education's Role in the Alice Books*, at <http://www.victorianweb.org/authors/carroll/maylee1.html> (last updated Dec. 1995).

39. *Id.*

40. Carroll, *supra* note 1, Chapter I, at 11-12.

41. See, e.g., Auden, *supra* note 13, at 3, 9.

An intrinsic part of this development of an independent legal judgment is an increasing rejection of the authority figures that lay down nonsensical laws. Any upper-middle-class Victorian girl would have a clear sense of her own place and that of others in a broader social framework. While Alice is clearly aware of this framework (she treats servants like the Frog-Footman differently from schoolmasters like the Caterpillar or nobles like the Duchess), her relationships with those around her are increasingly determined by her developing self-confidence and accompanying rejection of deference to authority.⁴² Unlike Dorothy, as we shall see later, Alice does not reject the social order outright, as she never really treats servants as her equals, but she does reject the notion that anyone possesses superior reasoning or intellectual abilities simply by virtue of their social status.⁴³ Her development of independent judgment can be traced through the chronology of her trip to Wonderland.

A. "CURIOUSER AND CURIOUSER": EARLY DEFERENCE TO
ARBITRARY RULES AND AUTHORITY

The journey into Wonderland, as we all know, begins with a tumble down a rabbit hole. Having pursued the White Rabbit to escape her boredom, Alice slips accidentally down the hole's steep incline and plummets for an immeasurable distance.⁴⁴ Her fall is utterly passive, as she literally drifts along, "wonder[s] what was going to happen next," and recites irrelevant school lessons to pass the time.⁴⁵ Upon her arrival in Wonderland, Alice's self-determination is hardly more evident, as she cries a lot and notices that strange things happen to her when she eats or drinks anything. For a brief time, she tries to gain entry to a beautiful garden she sees through a miniature door, but easily abandons this goal when she meets the small animals that fall into her Pool of Tears, who she welcomes as new friends and peers.⁴⁶

During her early encounters in Wonderland, Alice consistently tries to apply the lessons she has been taught at school. This knowledge, typical of the Victorian era, "seems to consist mainly of maxims and morals about obedience and safety,"⁴⁷ many of which she herself does not understand, and which prove utterly useless in practice. Called upon to recite poems about industry and sentimentality, Alice's memorized lessons somehow

42. See *infra* Part III (D).

43. See *infra* notes 93-102 and accompanying text.

44. Carroll, *supra* note 1, Chapter I, at 11-12.

45. *Id.*, Chapter I, at 13.

46. *Id.*, Chapter II, at 15-17; *Id.*, Chapter III, at 25-27.

47. Lee, *supra* note 38.

come out “wrong,”⁴⁸ converted to instructions on how to balance an eel on one’s nose, a warning about crocodile tears, and poetic analogies about flying tea-trays.⁴⁹ More concrete educational lessons ring similarly hollow, as she confuses facts and words due to her lack of a deeper understanding of their relevance. She misunderstands a figure of speech regarding making the world go round and tries to explain the science of the earth’s rotation, but cannot remember how long such a process takes.⁵⁰ During her fall, she looks forward to meeting the “Antipathies” who live in Australia, and wonders what latitude or longitude she has fallen to.⁵¹ She “had not the slightest idea what latitude was, or longitude either, but she thought they were nice grand words to say.”⁵²

Alice’s relationship to authority figures in these early travels are similarly deferential to the Victorian social norms she has been taught. She obeys commands to recite poetry,⁵³ wonders about the proper way to address a mouse,⁵⁴ and is so insecure in her own knowledge that she half-believes she is a serpent and not a little girl when a pigeon informs her this is the case.⁵⁵ Mistaken for the Rabbit’s own servant, Alice leaps to obey, despite her knowledge that this is a subversion of the social order. “‘He took me for his house-maid,’ she said to herself as she ran. ‘How surprised he’ll be when he finds out who I am.’”⁵⁶

Her first rebellion against the domineering inhabitants of Wonderland is that of a mischievous child, acting out in irritation at being ordered about. Having suddenly grown larger while running an errand for the Rabbit, Alice is trapped uncomfortably inside his miniature house but takes advantage of her position to knock over the Rabbit and kick the hapless Bill the Lizard up the chimney.⁵⁷ This is a re-creation of adult authority. Alice knows from experience that a large individual can exercise arbitrary authority over a smaller one, regardless of whether such treatment is deserved. The tables are shortly turned, however, when an again-small Alice meets “an enormous puppy” who forces her to play fetch, an experience she likens to “having a game of play with a cart-horse,” and in which she “expected

48. Carroll, *supra* note 1, Chapter V, at 49-52.

49. *Id.*, Chapters II (“How Doth the Little Crocodile”), V (“You are Old, Father William”), & VII (“Twinkle, Twinkle, Little Bat”).

50. *Id.*, Chapter VI, at 61-62.

51. *Id.*, Chapter I, at 13-14.

52. *Id.*, Chapter I, at 13.

53. *Id.*, Chapter V, at 49.

54. *Id.*, Chapter II, at 25-26.

55. *Id.*, Chapter V, at 55.

56. *Id.*, Chapter IV, at 38.

57. *Id.*, Chapter IV, at 42-43.

every moment to be trampled under its feet.”⁵⁸ This brief episode reminds Alice of the unfairness and danger of being small in a world controlled by the large, and drives home the “nearly forgotten” imperative that “I’ve got to grow up again!”⁵⁹

Physical size is not the only characteristic capable of eliciting deference from a Victorian child, however, and Alice’s encounter with the Caterpillar—who, like Alice, is only three inches high—reveals her tendency to submit to the judgment of those who assume their judgment is superior to hers. The Caterpillar, with his hookah and philosophy, could be an academic peer of Alice’s own father, while his unanswerable questions and rude manner are reminiscent of a haughty schoolmaster. Alice’s well-mannered social deference to such figures leads her to take a far more submissive stance than she would like to. Like many adults in both the real world and in Wonderland, the Caterpillar is curt and demeaning to the child but expects perfect manners in return.⁶⁰ Alice is irritated by his point-blank questions and constant contradictions, but takes care not to appear rude. Accordingly, she “said nothing: she had never been so much contradicted in all her life before, and she felt that she was losing her temper;”⁶¹ she worries that she has offended the Caterpillar with her desire to grow taller;⁶² she “waited patiently until it chose to speak again;”⁶³ and when told to “keep your temper,” she accordingly “swallowed down her anger as well as she could.”⁶⁴ While Alice’s indignation is a step forward from her previous passive conduct, her repression of that sentiment is a sign of ingrained social deference she is not yet able to overthrow.

Alice’s next major episode occurs at the Duchess’s house. Initially cowed by the Duchess’s title, she knocks politely at the door and requests permission to enter, but soon decides that the liveried footman (notably, a servant whose social status is well below Alice’s own and is thus not due any respect) is “perfectly idiotic” and marches in without consent.⁶⁵ The Duchess and her entire household are clearly mad and thoroughly insulting towards Alice, but the child again offers a high degree of outward respect, minding her manners and “keeping her temper” as per the Caterpillar’s advice:

58. *Id.*, Chapter IV, at 45.

59. *Id.*, Chapter IV, at 46.

60. *See id.*, Chapter V, at 47–49.

61. *Id.*, Chapter V, at 52.

62. *Id.*, Chapter V, at 53.

63. *Id.*

64. *Id.*, Chapter V, at 49.

65. *Id.*, Chapter VI, at 59–60.

"Please would you tell me," said Alice, a little timidly, for she was not quite sure whether it was good manners for her to speak first, "why your cat grins like that?"

"It's a Cheshire cat," said the duchess, "and that's why. Pig!"

She said the last word with such sudden violence that Alice quite jumped; but she saw in another moment that it was addressed to the baby, and not to her, so she took courage, and went on again:—

"I didn't know that Cheshire cats always grinned; in fact, I didn't know that cats could grin."

"They all can," said the Duchess; "and most of 'em do."

"I don't know of any that do," Alice said very politely, feeling quite pleased to have got into a conversation.

"You don't know much," said the Duchess; "and that's a fact."

Alice did not at all like the tone of this remark, and thought it would be as well to introduce some other subject of conversation.⁶⁶

Alice unhappily acquiesces to this treatment because she still believes in deference to authority, as she has been instructed all her life. She even deigns to perform a servant's work for the Duchess by taking care of her howling baby, perhaps because she is cowed by the presence of titled nobility.⁶⁷ By her second encounter with the Duchess, however, Alice will have discovered her own self-worth and is not so easily controlled.

B. THE CHESHIRE CAT AND THE MAD TEA PARTY: A TURNING POINT IN ALICE'S ATTITUDES

The Cheshire Cat, with his inscrutable grin and calm acceptance of his own madness, seems to reassure Alice of her own ability to make logical decisions. The Cat is the only Wonderland creature who treats Alice with the respect due a social equal, and as a result, it is with him that she has her only rational conversation.⁶⁸ His logic is clear and easy to follow, and he reminds Alice that she is thinking too hard about following orders and not hard enough about what she wants or believes. In perhaps the most often-quoted exchange in the Alice books, the Cat elicits an admission that Alice

66. *Id.*, Chapter VI, at 60-61.

67. *Id.*, Chapter VI, at 63-64.

68. *Id.*, Chapter VI, at 64-67.

neither knows nor cares where she is going, but is willing to simply accept the advice or orders of others:

"Would you tell me, please, which way I ought to go from here?"

"That depends a good deal on where you want to get to," said the Cat.

"I don't much care where—" said Alice.

"Then it doesn't matter which way you go," said the Cat.

"—so long as I get *somewhere*," Alice added as an explanation.

"Oh, you're sure to do that," said the Cat, "if you only walk long enough."⁶⁹

He forces her to make her own choices, giving her the option of visiting the Hatter or the March Hare, both of whom, he informs her, are mad.⁷⁰ He also implies that what she does is entirely within her control, and not at the will of others.⁷¹ When he asks if Alice will attend the Queen's croquet game, she responds that "I should like it very much, but I haven't been invited yet," indicating her continued belief that her actions are not hers to control.⁷² The Cat merely smiles in response and tells her, "You'll see me there," knowing that Alice can attend if she so desires, invitations be damned.⁷³

Emboldened by the Cat's implicit confidence in her, Alice marches confidently up to the tea party already in progress outside the March Hare's house.⁷⁴ While she certainly did not have an invitation to join this gathering, she is quite sure she is entitled to be there nonetheless.

The table was a large one, but the three were all crowded together at one corner of it. "No room! No room!" they cried out when they saw Alice coming.

"There's plenty of room!" said Alice indignantly, and she sat down in a large arm-chair at one end of the table . . .

69. *Id.*, Chapter VI, at 65. As an interesting side note, this famous exchange was undoubtedly the inspiration for Dorothy's reasoning, thirty-five years later, that "if we walk far enough, we shall sometime come to some place, I am sure." L. Frank Baum, *THE WONDERFUL WIZARD OF OZ*, in *THE ANNOTATED WIZARD OF OZ*, Chapter XIV, at 244 (Michael Patrick Hearn, ed., 2000) (1973).

70. Carroll, *supra* note 1, Chapter VI, at 65.

71. *Id.*, Chapter VI, at 65-66.

72. *Id.*, Chapter VI, at 66.

73. *Id.*

74. *Id.*, Chapter VII, at 69.

"It wasn't very civil of you to sit down without being invited," said the March Hare.

"I didn't know it was *your* table," said Alice: "it's laid for a great many more than three."⁷⁵

This chapter represents the turning point in Alice's relationship to authority, and provides a clear transition between Alice's passive drifting and deference to her active control and self-assertion. The Mad Hatter and the March Hare are really no ruder to Alice than the other characters she has met thus far (such as the Duchess and the Caterpillar), but she decisively objects to their conduct and stands up for herself for the first time in the story.⁷⁶ She has given up on "keeping her temper," at least in certain company, and confronts the Mad Hatter and March Hare when they make personal insults or use poor manners. Upon her arrival at the party, their hostility and incivility begins immediately, as does Alice's own indignation at her poor treatment.

"Your hair wants cutting," said the Hatter. He had been looking at Alice for some time with great curiosity, and this was his first speech.

"You should learn not to make personal remarks," Alice said with some severity. "It's very rude."⁷⁷

Contrast Alice's self-righteous responses here to her deferential attitude towards the Caterpillar and the Duchess, both of whom were just as insulting.

In addition to resolving not to put up with further abuse from Wonderland creatures, Alice also comes to have a greater respect for her own intellectual capacity. Throughout the Tea Party, Alice interjects her own observations and interpretations into the conversation, and recognizes them as far more logical than those of her companions.⁷⁸ Upon learning that the party is never-ending and that the participants simply move on to a clean place when they have dirtied their own, she asks "but what happens when you come to the beginning again?"⁷⁹ The other partygoers have no answer to this imminently sensible question, and instead quickly suggest, "suppose we change the subject."⁸⁰

75. *Id.*, Chapter VII, at 69-70.

76. *Id.*, Chapter VII, at 70.

77. *Id.*

78. *Id.*, Chapter VII, at 71-74.

79. *Id.*, Chapter VII, at 74.

80. *Id.*

Despite her logical questions and consistently polite behavior, however, Alice is still insulted and abused by the other guests, who tell her she is "stupid"⁸¹ and "shouldn't talk."⁸² As a sign of her growing self-awareness, Alice recognizes these orders as hollow and the criticisms as inherently flawed and baseless—"the Hatter's remark seemed to her to have no sense of meaning in it, and yet it was certainly English"⁸³—and their orders and insults roll off her without making any real impact on her behavior or self-esteem. This is a stark contrast to the identity crisis she experienced in her earlier conversations with the pigeon and the Caterpillar. In the end, after being interrupted, mocked, and contradicted by the hostile creatures, Alice decides that the latest "piece of rudeness was more than [she] could bear: she got up in great disgust, and walked off."⁸⁴ Rather than doubting her own judgment, as she did earlier in the book when reprimanded by other characters, Alice can now objectively discern the flaws in the arguments and judgments of others and refuses to conform to their orders.

C. "... AND THE QUEEN WAS SILENT:" A FINAL REJECTION OF ILLOGICAL AUTHORITY

While Alice is now able to judge the relative value of orders and authorities for herself, she has yet to assert these abilities against a worthy adversary. Her chance to do so arrives quickly, as she determinedly makes her way into the beautiful garden she had longed to visit upon her arrival. Her heightened sense of self-worth is bolstered by the deferential treatment she receives from the first creatures she meets there, the Queen's Gardeners, who stop their chatter as she approaches, bow low before her, and politely call her "Miss."⁸⁵ This is a far cry from the treatment she received at the hands of any other Wonderland creatures, even other servants: the Duchess' frog-footman stared blankly at her and refused to help, while the Rabbit's servants threw stones at her and threatened to burn down the house she was in.⁸⁶

Alice's true opponent, however, is the Queen, the most prestigious and powerful entity in all of Wonderland. Upon her approach, Alice stands her ground and does not give the Queen so much as a curtsy.⁸⁷ Internally, Alice

81. *Id.*, Chapter VII, at 76.

82. *Id.*, Chapter VII, at 77.

83. *Id.*, Chapter VII, at 72.

84. *Id.*, Chapter VII, at 77.

85. *Id.*, Chapter VIII, at 80.

86. *Id.*, Chapter IV, at 42-43.

87. *Id.*, Chapter VIII, at 81.

goes even further. When asked for her name, she responds "very politely; but she added, to herself, 'Why, they're only a pack of cards, after all. I needn't be afraid of them!'"⁸⁸ This is promptly followed by open defiance.

"And who are these!" said the Queen, pointing to the three gardeners . . .

"How should *I* know?" said Alice, surprised at her own courage. "It's no business of *mine*."

"The Queen turned crimson with fury, and, after glaring at her for a moment like a wild beast, began screaming "Off with her head!" "Off with—"

"Nonsense!" said Alice, very loudly and decidedly, and the Queen was silent.⁸⁹

Alice's newfound self-confidence is perpetuated by her repeated triumphs in this arena. Whenever she openly contradicts an adult character, the adult's authority is broken and the character is rendered silent and impotent. The Duchess reappears, now fawningly solicitous of Alice and bent upon the task of applying axioms to everything Alice says or does.⁹⁰ Alice knows immediately that the Duchess' constant moralizing is meaningless, and never considers taking them to heart.⁹¹ This, again, provides a contrast with her earlier conduct, when she listened attentively to the Caterpillar's words of wisdom and recited her schoolroom lessons on command. However, while her internal rebellion is nearly complete, Alice has not taken the final step of fully expressing her self-reliance and rejection of authority through open defiance, instead keeping to her place in the social hierarchy. Although she "did not much like" the close company of the Duchess, then, as with the Caterpillar "she did not like to be rude: so she bore it as well as she could."⁹²

88. *Id.*

89. *Id.*, Chapter VIII, at 82. By turning the tables on traditional authority, Alice finds that she not only gains self-confidence but the respect of others. Shortly after this little confrontation, the Queen orders the Gardeners' execution. "The unfortunate gardeners . . . ran to Alice for protection. 'You shan't be beheaded!' said Alice, and she put them into a large flower-pot that stood near. The three soldiers wandered about for a minute or two, looking for them, and then quietly marched off after the others." *Id.*, Chapter VIII, at 83.

90. *Id.*, Chapter IX, at 90-91.

91. *Id.*, Chapter IX, at 91-92.

92. *Id.*, Chapter IX, at 92.

Alice's breaking point arrives, appropriately enough, in a courtroom, ostensibly "the last refuge of order,"⁹³ which is attended with all the pomp and circumstance of a real courtroom.⁹⁴ Armed with a newly skeptical perspective on weighty, adult rules and institutions, she quickly sees that the trial is, in fact, nothing *but* pomp and circumstance. The jurors are stupid, the judge incompetent, and the evidence meaningless. Each premature order to the jury to "consider your verdict!" and every irregular action drives home to Alice an understanding that not only proper procedures, but the substance behind them, have been lost. Having failed to meet Alice's standards of reason and logic, the law no longer commands her respect or obedience.⁹⁵

She puts this discovery into action almost immediately. As her confidence in her own logic increases and that in adult law and institutions decreases, Alice begins to grow again, until she nearly fills the court room and towers over all the Wonderland creatures who have taunted her for so long.⁹⁶ When her size becomes too obvious to ignore, the King pulls out his Rules book and states that Rule 42 requires "*All persons more than a mile high to leave the court.*"⁹⁷

"Well, I shan't go, at any rate," said Alice; "besides, that's not a regular rule: you invented it just now."

"It's the oldest rule in the book," said the King.

"Then it ought to be Number One," said Alice.

The King turned pale, and shut his notebook hastily. "Consider your verdict," he said to the jury, in a low trembling voice.⁹⁸

Alice follows this by mocking the King's findings of fact and snapping at the Queen for drawing an illogical legal conclusion.⁹⁹ By the final pages

93. Donald Rackin, *Alice's Journey to the End of Night*, in ASPECTS OF ALICE: LEWIS CARROLL'S DREAMCHILD AS SEEN THROUGH THE CRITICS' LOOKING-GLASSES, 1865-1971 391, 412 (Robert Phillips, ed., 1971) (1966).

94. Carroll, *supra* note 1, Chapter XI, at 110.

95. *Id.*, Chapter XI, at 111-13. For instance, Alice accidentally knocks over the jury-box and replaces Bill the Lizard upside-down, "'not that it signifies much,' she said to herself; 'I should think it would be quite as much use in the trial one way up as the other.'" *Id.*, Chapter XII at 119. The rest of the jury is similarly useless, taking meaningless and contradictory notes, "'but it doesn't matter a bit,' she thought to herself." The trial begins with the White Rabbit reading the charges against the prisoner, immediately after which the king instructs the jury to "consider your verdict." "'Not yet, not yet!' the Rabbit hastily interrupted. 'There's a great deal to come before that!'" *Id.*, Chapter XI, at 112. The Mad Hatter, meanwhile, is called as the first witness, but is promptly accused of stealing his own hat when he admits it is merely a sales model. *Id.*, Chapter XI, at 113.

96. *Id.*, Chapter XI, at 113-14.

97. *Id.*, Chapter XII, at 120.

98. *Id.*

of the trial, Alice “had grown so large in the last few minutes that she wasn’t a bit afraid of interrupting” the King, and tells the court that “if any one of [the jurors] can explain [the evidence], I’ll give him sixpence. I don’t believe there’s an atom of meaning in it.”¹⁰⁰

This is the articulation of all that Alice has learned in Wonderland. She has learned to trust herself and her own mind, and to challenge the rules and axioms that do not make logical sense to her. If she thinks something is nonsense, it probably is. This goes for both rules and authority figures, and she abandons all pretense of respect for her social betters, shaking off the last vestiges of deference.

“Let the jury consider their verdict,” the King said, for about the twentieth time that day.

“No, no!” said the Queen. “Sentence first—verdict afterwards.”

“Stuff and nonsense!” said Alice loudly. “The idea of having the sentence first!”

“Hold your tongue!” said the Queen, turning purple.

“I won’t!” said Alice.

“Off with her head!” the Queen shouted at the top of her voice. Nobody moved.

“Who cares for you?” said Alice (she had grown to her full size by this time). “You’re nothing but a pack of cards!”¹⁰¹

Alice has learned all she can from Wonderland, and this revelation catapults her back to the real world.¹⁰²

D. ALICE’S LESSONS: RATIONAL RULES AND SELF-ASSERTION

Alice has learned three different lessons from her experience down the rabbit hole. First, she recognized the value of maintaining order in society via rational thought and strict adherence to logic. In her quest to make

99. *Id.*, Chapter XII, at 121-22.

100. *Id.*, Chapter XII, at 122.

101. *Id.*, Chapter XII, at 124.

102. *Id.* After awakening on her sister’s lap, Alice recounts her adventures and then runs off to tea while the sister thinks fondly of Alice’s childish innocence and how that innocence may be retained in later years. *Id.*, Chapter XII, at 125. We next see Alice in *Through the Looking-Glass*, where she seems to have remembered the lessons she learned in Wonderland. Again, she must acclimatize herself to a new set of rules and is at times bewildered by the new logic she must apply, but she encounters generally genial or at least neutral characters, snaps back at those few who dare to treat her rudely, and successfully pursues her goal of becoming a “queen.” See Lewis Carroll, *THROUGH THE LOOKING-GLASS AND WHAT ALICE FOUND THERE*, in *THE ANNOTATED ALICE: THE DEFINITIVE EDITION* 143-47 (Martin Gardner, ed., 2000) (1960).

sense of the rules imposed upon her, both above-ground and in Wonderland, Alice constantly searches for clear cause-and-effect connections in the seemingly random events around her. Observing the dramatic change in the Duchess' temperament when she is removed from her pepper-filled kitchen, for instance, Alice decides that perhaps "it's always pepper that makes people hot-tempered" and is "very much pleased at having found out a new kind of rule."¹⁰³ Likewise, she catches on quickly to the size-shifting capabilities of Wonderland's food and drink: a potion accidentally causes her to grow to the size of a house,¹⁰⁴ but she sets out to solve the problem by eating a few cakes, which she correctly assumes will shrink her back to normal.¹⁰⁵ Thus, the child learns to construct a logical order in the chaos that surrounds her.

Second, and far more important, Alice finds logical reasons to alter some of her own conduct in accordance with the rules imposed upon her by adults. Punishments in Wonderland are not the arbitrary things of the above-ground world—no denial of dessert for teasing one's sibling—but instead follow a clear cause-and-effect relationship. Having ignored her own good advice to stop crying, Alice finds herself literally adrift in her own disobedience: "'I wish I hadn't cried so much!'" said Alice, as she swam about, trying to find her way out. 'I shall be punished for it now, I suppose, by being drowned in my own tears!'"¹⁰⁶ Likewise, Alice's new friends—the birds and rodents she meets in the pool—punish her by depriving her of amiable company when she repeatedly makes insensitive comments about her cat's predatory tendencies.¹⁰⁷ Thus, Alice learns about "right" and "wrong" conduct not as a result of fear of punishment imposed by an authority figure, but because she endures the negative ramifications of her own actions.

Like many children, Alice understands the need for rules in certain contexts, particularly those of games she enjoys playing. She strictly adheres to these rules, even boxing her own ears for "cheating herself in a game of croquet she was playing against herself," and is irate at the lack of adherence to those rules displayed by others.¹⁰⁸ At the Queen's croquet game, for instance, Alice complains to the Cheshire Cat that "I don't think

103. *Id.*, Chapter IX, at 90.

104. *Id.*, Chapter IV, at 38-39.

105. *Id.*, Chapter IV, at 44.

106. *Id.*, Chapter II, at 25. See also Jan B. Gordon, *The Alice Books and the Metaphors of Victorian Childhood*, in *ASPECTS OF ALICE: LEWIS CARROLL'S DREAMCHILD AS SEEN THROUGH THE CRITICS' LOOKING-GLASSES, 1865-1971* 93, 105-06 (Robert Phillips, ed., 1971) (1971).

107. Carroll, *supra* note 1, Chapter II, at 26. See also Gordon, *supra* note 106, at 103-04.

108. Carroll, *supra* note 1, Chapter I, at 18.

they play at all fairly And they all quarrel so dreadfully one can't hear oneself speak—and they don't seem to have any rules in particular: at least, if there are, nobody attends to them.”¹⁰⁹ It is not the chaos of the game, but the knowledge that the rules are being broken that disturbs her. In another context, Alice happily learns the “rules” of the new game of “Caucus-Race,” which consists of an undetermined number of players running along an irregular course for whatever distance and duration they like.¹¹⁰ Chaotic as these rules are, Alice is happy to play along so long as no one cheats.

The most pivotal context in which Alice recognizes the importance of adhering to rules and protocol is the courtroom. Alice is clearly aware of the high stakes of a judicial proceeding, especially when presided over by a royal couple bent on decapitation. Creatures from the White Rabbit to the Duchess live in constant terror of execution for the slightest offense. Courtroom procedures are in total disarray, as the Queen insists the sentence be meted out prior to the verdict, while the King orders the jury to consider that verdict with every breath. The law is both arbitrary and ineffective,¹¹¹ as exemplified by the Queen's constant practice of commanding executions¹¹² and the King's equally constant granting of pardons before the sentences can be carried out.¹¹³ Alice's total rejection of this meaningless legal order makes her more powerful than all her tormentors put together.¹¹⁴

The third, and most crucial lesson Alice learns is that she has the power to take control of her own fate, and that authority figures may be seriously wrong at times, while she may be right. The adults in Wonderland are vicious, incompetent, and foolish: “they snap at her, preach to her, confuse her, or ignore her. They behave to her as adults behave to a child—they are peremptory and patronizing.”¹¹⁵ They give orders without explanations, inform her she is wrong without providing a “right” answer, and they spout

109. *Id.*, Chapter VIII, at 86.

110. *Id.*, Chapter III, at 31. The Dodo “marked out a race-course, in a sort of circle, (the exact shape doesn't matter, it said,) and then all the party were placed along the course, here and there. There was no ‘one, two, three, and away!’ but they began running when they liked, and left off when they liked, so that it was not easy to know when the race was over.” *Id.*

111. Serra Ansay, *Flawed Legal Systems in Alice's Adventures in Wonderland and Great Expectations*, at <http://www.victorianweb.org/authors/dickens/ge/legal.html> (last updated Dec. 1995).

112. See e.g., Carroll, *supra* note 1, Chapter VIII, at 83, 94.

113. *Id.*, Chapter IX, at 94.

114. See *id.* Chapter XII, at 124.

115. Elsie Leach, *Alice in Wonderland in Perspective*, in ASPECTS OF ALICE: LEWIS CARROLL'S DREAMCHILD AS SEEN THROUGH THE CRITICS' LOOKING-GLASSES, 1865-1971 88, 92 (Robert Phillips, ed., 1971) (1964).

platitudes with no practical applications.¹¹⁶ Alice's increasing frustration with Wonderland is grounded in her realization that her own judgment is superior to that of the official authorities, and that her own logic is more dependable than that justifying the rules imposed on her.

By matching wits and logic with countless creatures who claim superior authority to her, Alice learns the power of her own defiance. In the end, she triumphs by making a conscious decision to obey orders and rules only when such laws—and those enforcing the rules—deserve her respect. The standard for determining which laws are worthy of such respect is logic. Alice has learned to trust her own intellect, and if she cannot see a reason to believe the truth or justice of a statement she does not believe it. Likewise, if she cannot see why an individual has earned his or her place of authority through wisdom or justice, she feels free to criticize or reject that individual's demands. The overthrow of the Wonderland creatures' authority, then, is a figurative encouragement to the child-reader to reject blind deference to adult or legal authority in the real world. *Alice* is "a vindication of the rights of the child, even the right of the child to self-assertion."¹¹⁷

IV. THE WONDERFUL WIZARD OF OZ: LEARNING THE AMERICAN DREAM

In the century since its publication, *The Wonderful Wizard of Oz* has been variously interpreted as a Marxist manifesto,¹¹⁸ a "priceless national asset" of skepticism and individuality,¹¹⁹ a Populist allegory,¹²⁰ and an

116. See, e.g., *id.*; Katherine A. Lim, "Alice-Mutton: Mutton-Alice": Parodies of Protocol in *Through the Looking Glass*, at <http://www.victorianweb.org/authors/carroll/lim.html> (last updated Dec. 1995).

117. Leach, *supra* note 115, at 92; Rackin, *supra* note 93, at 399. "The world of Wonderland is a great courtroom where the guilty individual, the child, is arraigned before a mad audience on whose ears the word of reason falls without effect. But the sentence declared by the diabolical Queen—'Off with her head!'—fails of execution because Alice at last rebels Like the child who dared perceive that the Emperor wore no clothes, Alice in her innocent indignation speaks not only for herself and for the 'Knave,' but for all children who are threatened by adults with unjust punishments. And to a child, injustice is the one unpardonable sin." Judith Bloomingdale, *Alice as Anima: The Image of Woman in Carroll's Classics*, in ASPECTS OF ALICE: LEWIS CARROLL'S DREAMCHILD AS SEEN THROUGH THE CRITICS' LOOKING-GLASSES, 1865-1971 378, 384 (Robert Phillips, ed., 1971) (1971).

118. THE DAILY WORKER (Aug. 18, 1939) "heartily" recommended the MGM movie. See also Hearn, *supra* note 10, at xcvi. (citing an assertion made in jest by Stewart Robb, *The Red Wizard of Oz*, NEW MASSES (Oct. 4, 1938)).

119. Hearn, *supra* note 10, at xcvi.

120. See, e.g., Henry M. Littlefield, *The Wizard of Oz: Parable on Populism*, 16 AM. Q., 47, 47 (Spring 1964), available at <http://www.amphigory.com/oz.htm>.

essay on the glories of capitalist consumerism.¹²¹ Only twelve years after the *Oz* books were cited as exemplary of the American mindset that led to sweeping victories in WWII,¹²² they were kept off library shelves by McCarthy-era librarians who found them “of no value” to a public that demanded “do-it-yourself” stories for children rather than fairy tales like *Oz*, and critiqued Baum’s writings as “poorly written, untrue to life, sensational, foolishly sentimental, and consequently unwholesome for . . . children.”¹²³ Undoubtedly, the tumultuous political atmosphere in which the story was written influenced Baum’s work, and was incorporated in various allegoric or symbolic ways.¹²⁴ However, none of these politicized interpretations were likely to be understood by the millions of children who have read and loved the book throughout the past century. Instead, the only truly lasting interpretation is one that can be understood by children as well as adults, regardless of political leanings or era. In that light, *Oz* is the quintessential American success story, wherein an ordinary child, alone and friendless in a desolate land, attains her goals through hard work, friendship, and self-reliance.

A. MELTING THE WITCH: EGALITARIANISM AND SELF-RELIANCE

Dorothy and Alice, despite some superficial similarities, are worlds apart in terms of their temporal, geographical, and social location. Dorothy

121. WILLIAM R. LEACH, *LAND OF DESIRE: MERCHANTS, POWER, AND THE RISE OF A NEW AMERICAN CULTURE* 225-36 (Vintage 1994).

122. See, e.g., Hearn, *supra* note 10, at xcvi (citing *45 Years of ‘the Wizard,’* COLLIER (1945)).

123. Hearn, *supra* note 10, at xcvi-xcviii. Comments to this effect by Detroit Public Library director Ray Ulveling were quoted in Neil Hunter, *Librarian Raps ‘Oz’ Books*, LANSING (MI) STATE JOURNAL (Apr. 4, 1957), and supported by a 1959 list of Books not to Be Circulated by Standard Libraries made by the Florida Department of State. Maurice Hungiville, *Introduction to THE WIZARD OF OZ AND WHO HE WAS* ix, xiii (Martin Gardner and Russel B. Nye, eds) (revised ed. 1994) (1957). They spawned a passionate scholarly debate regarding the value of the *Oz* series. This controversy has been described as a “minor skirmish in the larger battle to resist the anti-intellectualism and conformity of the day.” *Id.*

124. See, e.g., Hearn, *supra* note 10, at lxxix-xcvii. Possible political influences include the American imperialist movement, the Populist revolution, increasing industrialism in the East, and the struggles of homesteaders on the western frontier. Littlefield, *supra* note 120, at 49-50. One of the most obvious such instances is a disjointed chapter, added late in the publication process, in which Dorothy and her friends find themselves in “China Land,” where buildings and inhabitants alike are made of fine porcelain, and where the intruders inadvertently destroy several landmarks before making their way out again. Baum, *supra* note 69, Chapter XX, at 319-22. This incident has been widely interpreted as a direct reference to Western imperialism in the Far East. Michael Patrick Hearn, *Notes to The Wonderful Wizard of Oz* in *THE ANNOTATED WIZARD OF OZ* 328 n.10 (Centennial ed. 2000) (1973). Subtler connections to turn-of-the-century politics can be found in the portrayal of the Wicked Witch of the West as dry, malevolent Western nature; the Tin Man as the alienated industrial worker; and even (as the illustrations suggest) the Cowardly Lion as failed Democratic presidential candidate William Jennings Bryan. Littlefield, *supra* note 120, at 50-52.

is an orphan who has seen death and privation first-hand, and lives in a one-room farmhouse on the desolate Kansas prairie,¹²⁵ while Alice Liddell had governesses, servants, and a comfortable estate on the Oxford campus.¹²⁶ Dorothy thus lacks Alice's training in social class and proper behavior, and instead assumes that she is the social equal of everyone she meets.¹²⁷ Her experience in Oz reflects these egalitarian, practical priorities. While Alice spends the bulk of her time in Wonderland asking metaphysical questions about her identity and strolling around attending formal parties,

Dorothy spends little time in pondering who she is, where she is going, or why the world has suddenly turned upside down. Like the real children of her day, Dorothy accepts the empirical reality of what she experiences, knows what she wants, and sets about doing what needs to be done to achieve it.¹²⁸

Thus, when the first people she meets in Oz are Munchkin community leaders and a Good Witch, she treats them as peers, worrying aloud about having inadvertently killed the Witch of the East with no thought to the necessity of proper manners and respect.¹²⁹ Her new acquaintances do not seem to mind, however, and cheerfully advise her to travel down the Yellow Brick Road to ask the Wizard for help.¹³⁰

Egalitarianism leads naturally to self-reliance. If no one is your superior, no one is better equipped to deal with your problems. Thus, Dorothy never considers that Aunt Em or Uncle Henry will come looking for her, but rather immediately takes it upon herself to get safely home.¹³¹ She carefully packs a basket of food, locks the door of her crash-landed house, pockets the key, and discards her worn-out old shoes in favor of the sturdier silver ones before setting out.¹³² Upon meeting each of her three adult companions, she rescues them from their aimless, unhappy states by giving

125. Baum, *supra* note 69, Chapter I, at 11-12.

126. Auden, *supra* note 13, at 3-4.

127. Hearn, *supra* note 124, 12-13 n.1 (quoting Alison Lurie, *The Fate of the Munchkins*, THE NEW YORK REVIEW OF BOOKS (Apr. 18, 1974)).

128. Justin J. Schiller, *Afterword* to THE WONDERFUL WIZARD OF OZ 262 (Pennyroyal Press, 1985) (1900). See also Madonna Kolbenschlag, LOST IN THE LAND OF OZ: BEFRIENDING YOUR INNER ORPHAN AND HEADING FOR HOME (Crossroad Pub. Co., 1994) (1988).

129. Baum, *supra* note 69, Chapter II, at 38.

130. *Id.*, Chapter II, at 50, 52.

131. See *id.*, Chapter III, at 56, 58.

132. *Id.*, Chapter III, at 56. Yes, silver slippers, not ruby—in the early Technicolor age, sparkling red shoes made for a more photogenic image, but in Baum's original the shoes were silver. This has provided fodder for those reading Oz as a populist allegory, as the silver standard was hailed by the Democrats as the solution to agrarian economic woes. See generally LAWRENCE GOODWYN, THE POPULIST MOMENT: A SHORT HISTORY OF THE AGRARIAN REVOLT IN AMERICA (Oxford University Press, 1978) (providing an outstanding analysis of populism and the greenback/silver debate of Baum's day).

them a goal to pursue and encouraging them to take action to solve their problems. She saves the Scarecrow from an uncomfortable perch in a corn field,¹³³ oils the rusted joints of the Tin Woodman,¹³⁴ rescues Toto from the roaring Cowardly Lion,¹³⁵ and provides all of her companions with the motivation and achievable goal they need to take control of their own lives, telling each that the Wizard is sure to help him.

This reiteration of the Good Witch's advice, however, reveals that despite her innate sense of practicality and social equality, Dorothy carries some residual deference to formal authority figures. In Alice's case this deference forced her to put up with poor treatment in Wonderland. In Dorothy's, her deference poses a serious obstacle to achieving her goal. Although she obtained the silver shoes (which possess the power to send her home) immediately upon her arrival, she follows the Good Witch's advice to walk to the Emerald City and ask for help from the Wizard.¹³⁶ Unbeknownst to her, Dorothy already possesses the power to help herself, but ignores her own inner abilities in favor of reliance on the guidance of both the Witch and the yet-unseen Wizard—neither of whom, as it turns out, can actually help her—based only on their reputations. Her deference is expressed in the way she takes everything that is presented to her at face value—the shoes, the Witch's advice, even the Wizard's power—rather than questioning their authority or looking for solutions within herself.

The Wizard himself seems to believe his own propaganda, and when the small party reaches the Emerald City he assumes various guises to meet each companion—a giant head, a beautiful fairy, a monstrous beast, and a ball of fire—and introduces himself to each in turn as “Oz, the Great and Terrible.”¹³⁷ When Dorothy's turn comes, she replies that she is “Dorothy, the Small and Meek,” and that she wishes only to return to Kansas.¹³⁸ Oz's response is incredulous: he knows, even if Dorothy does not, that she has more power than she believes.

“Why should I do this for you?” asked Oz.

“Because you are strong and I am weak; because you are a Great Wizard and I am only a helpless little girl,” she answered.

“But you were strong enough to kill the wicked Witch of the East,” said Oz.

133. *Id.*, Chapter III, at 67, 79-80.

134. *Id.*, Chapter V, at 91-92.

135. *Id.*, Chapter VI, at 106-107.

136. *Id.*, Chapter II, at 49-50.

137. *Id.*, Chapter XI, at 187.

138. *Id.*

"That just happened," returned Dorothy, simply; "I could not help it."¹³⁹

The Wizard insists that Dorothy kill the Witch of the West before he will help her, and sends her off on what they both apparently believe is a suicide mission.¹⁴⁰

However, as we all know, Dorothy's mission is not as futile as the Wizard believes. With her friends, she leaves the Yellow Brick Road and makes her way across the dry Western wilderness to the Witch's castle, overcoming multiple attacks by the Witch's many minions as she goes.¹⁴¹ Finally, though, Dorothy and her companions succumb to the Winged Monkeys, who tear apart the Scarecrow, drop the Woodsman into a deep canyon, and imprison the Lion with no food to coerce him into drawing the Witch's chariot.¹⁴² Dorothy, trembling and clutching Toto, is about to suffer a similarly sad fate when the Monkeys see the silver shoes on her feet and the mark of the Good Witch on her brow, and realize she is too powerful for them to harm.¹⁴³ Instead, they carry her to the Witch herself, who "tremble[s] with fear" when she meets Dorothy, recognizing her shoes and the mark of the Good Witch for the powerful amulets they are, but immediately suppresses her fright when she realizes that the little girl does not know how to use her power.¹⁴⁴ Until the Witch can devise a way to steal the silver shoes, she makes Dorothy her slave and forces her to perform menial tasks.¹⁴⁵

Like Alice, Dorothy's fullest realization of her own abilities and strengths arrives when her indignation at her shoddy treatment overwhelms her residual deference. At first, grateful to be alive, Dorothy toils obediently without complaint. At night, however, she sneaks out to the Lion's paddock with gifts of food, enabling him to maintain fierce defiance of the Witch's orders to pull her chariot.¹⁴⁶ This minor act of rebellion reveals Dorothy's innate knowledge that she cannot really be controlled by another, but she still lacks the self-confidence to fully reject the Witch's authority. Like Alice, one final abuse of power by the Witch is required to make Dorothy throw off the yoke. This occurs when, after scheming unsuccessfully for weeks, the Witch finally succeeds in stealing one of the silver

139. *Id.*

140. *Id.*

141. *Id.*, Chapter XII, at 203-27.

142. *Id.*, Chapter XII, at 215.

143. *Id.*, Chapter XII, at 215-16.

144. *Id.*, Chapter XII, at 216-18.

145. *Id.*, Chapter XII, at 218, 220, 223.

146. *Id.*, Chapter XII, at 220.

shoes.¹⁴⁷ She places an iron bar in the middle of the floor and makes it invisible; Dorothy stumbles upon it, falls, and a shoe flies from her foot. The Witch, thrilled by her success, seizes the shoe immediately.¹⁴⁸

The little girl, seeing she had lost one of her pretty shoes, grew angry, and said to the Witch,

"Give me back my shoe!"

"I will not," retorted the Witch, "for it is now my shoe, and not yours."

"You are a wicked creature!" cried Dorothy. "You have no right to take my shoe from me."

"I shall keep it, just the same," said the Witch, laughing at her, "and some day I shall get the other one from you, too."

This made Dorothy so very angry that she picked up the bucket of water that stood near and dashed it over the Witch, wetting her from head to foot.

Instantly the wicked woman gave a loud cry of fear; and then, as Dorothy looked at her in wonder, the Witch began to shrink and fall away.

"See what you have done!" she screamed. "In a minute I shall melt away . . . I have been wicked in my day, but I never thought a little girl like you would ever be able to melt me and end my wicked deeds. Look out—here I go!"¹⁴⁹

147. *Id.*, Chapter XII, at 224. This not only reinforces the common theme of the weak subverting authority, it also emphasizes the sanctity of property in 1900 American society. On the American frontier, thieves and robbers were routinely executed for their crimes, often by such vigilante justice as Dorothy employs here. Baum himself was no stranger to capitalism: he was intermittently employed as a salesman, and even his writing career was motivated in part by financial needs. His fairy tale, then, reinforces this entrepreneurial spirit and capitalist norm of acquisition and protection of property. See Hearn, *supra* note 10, at xvi-xxiii.

148. Baum, *supra* note 69, Chapter XII, at 224.

149. *Id.*, Chapter XII, at 225. The Witch's death by water echoes a still-earlier era of justice: from as early as 1950 B.C., accused witches were bound and thrown into rivers, where they either drowned, proving their innocence, or floated and were subsequently burned for witchcraft. Hearn, *supra* note 124, at 226 n.16. This reflects the traditional jurisprudential role fairy tales could play: "Gerhard Mueller, a distinguished professor of criminal justice and a student of legal lore, points out that many of the punishments described by the Grimm brothers reflect actual sentences carried out during the Middle Ages. Before legal doctrines became codified in imperial decrees and city codes, wrongdoings and the punishments attached to them were transmitted through parables, folklore, and other sources of folk wisdom. Fairy tales thus functioned as an unofficial form of legal jurisprudence." Cashdan, *supra* note 18, at 144.

With this simple act of rebellion, Dorothy defeats the darkest and most dangerous authority in the story.¹⁵⁰

The ease with which the Witch is dispatched, while surprising to the little girl, is a clear reminder of her own latent strengths, and gives Dorothy the confidence she will need to complete her quest. Assuming her proper role as leader, Dorothy springs into action. She sweeps the remains of the Witch out the door, reclaims and washes off her stolen shoe, frees the Lion and the Winkies¹⁵¹ from their bondage, takes a "pretty golden cap" from the Witch's cabinet (which, she learns, provides the key to commanding the Winged Monkeys), and orders the Witch's Winky army out to find and repair her other friends.¹⁵² Her newfound assertiveness is transposed onto her companions as well, who are emboldened by their leader's achievements and return to the Emerald City with new resolve.

No longer passive suppliants, the companions quickly tire of waiting for the Wizard to grant them an audience, and threaten to sic the Winged Monkeys on him unless he sees them at once.¹⁵³ This does the trick and they are hastily ushered into the throne room, where they arrive as a group and demand the Wizard fulfill his promises to them.¹⁵⁴ They are met by a disembodied voice, but Dorothy and her friends are no longer impressed by smoke and mirrors.¹⁵⁵ The tables of power are turned on Oz, the Great and Terrible, who finds himself no longer dealing with the Small and Meek but with an assertive, empowered, and united army:

"Dear me," said the Voice; "how sudden! Well, come to me tomorrow, for I must have time to think it over."

"You've had plenty of time already," said the Tin Woodman, angrily.

"You must keep your promises to us!" exclaimed Dorothy.

The Lion thought it might be as well to frighten the Wizard, so he gave a large, loud roar, which was so fierce and dreadful that Toto jumped away from him in alarm and tipped over the screen that stood in a corner. As it fell with a crash they looked that way, and the next moment all of them were filled with wonder. For they saw, standing in just the spot the screen had hidden, a little, old

150. Baum, *supra* note 69, Chapter XII, at 225, 227.

151. *Id.*, Chapter XIII, at 231. The "Winkies" are the denizens of the West of Oz. *Id.*

152. *Id.*, Chapter XIII, at 231-34.

153. *Id.*, Chapter XIII, at 256.

154. *Id.*, Chapter XIII, at 256, 258-59.

155. *Id.*, Chapter XIII, at 259.

man, with a bald head and a wrinkled face, who seemed to be as much surprised as they were.¹⁵⁶

The revelation of the Wizard's true form is almost anti-climactic. The companions have already become more powerful than the Wizard himself simply by confronting him with their demands. The Wizard makes another faltering effort to keep up his charade, but it falls flat in the face of their resistance: "'I am Oz, the Great and Terrible,' said the little man, in a trembling voice, 'but please don't strike me—please don't!—and I'll do anything you want me to do.'"¹⁵⁷ The subversion of the once-intimidating Wizard's authority is finalized when he finds himself scolded for his deception by a five-year-old girl, who tells him he is "a very bad man."¹⁵⁸ The Wizard's response—"Oh, no, my dear; I'm really a very good man; but I'm a very bad Wizard, I must admit"—is essentially an admission that his purported power over her was a sham.¹⁵⁹ The Wizard is just a man, and has never given them cause to defer to his judgment or authority.

Whether good or bad, the Wizard is clearly neither great nor terrible, and he cannot help Dorothy or her friends in any meaningful way.¹⁶⁰ The eventual revelation of the Wizard's deception teaches Dorothy that those in authority are clad only in the remnants of power, but in reality are unable to solve the problems of their subjects. Conversely, common people are able to solve not only their own problems, but even those greater troubles that burden the society. Dorothy and her friends perform a valuable service to the Wizard by ridding him of his political rival, the Witch of the West, but he breaks his promise to Dorothy and only superficially fulfills those he made to her friends.¹⁶¹ The moral is clear: those who seek quick-fix solutions to their problems by petitioning the mighty for aid are bound to be disappointed, while hard work and perseverance always pay off in the end.

However, unlike Alice, Dorothy is not magically transported home upon her deposition of the impotent authorities in Oz. In fact, we quickly find, despite the physical overthrow of Oz's authority, Dorothy and her friends continue to rely on formal authorities to solve their problems, insisting that, humbug or not, the Wizard must give them the solutions he promised.¹⁶² After unsuccessfully attempting to convince them they do not

156. *Id.*, Chapter XV, at 259.

157. *Id.*

158. *Id.* Dorothy's age has been deduced by several Oz scholars, based on clues from subsequent Oz books. Hearn, *supra* note 124, at 35 n.4.

159. Baum, *supra* note 69, Chapter XV, at 270.

160. *Id.*

161. *See id.*, Chapter XVI, at 278-83; Chapter XVII, at 291.

162. Baum, *supra* note 69, Chapter XV, at 258.

need his help, the Wizard smilingly wonders at their continued deference: "How can I help being a humbug," he said, "when all these people make me do things that everybody knows can't be done?"¹⁶³ Nonetheless, he grants each of the companions a symbol of the thing they desire most—a head stuffed with bran and pins for the Scarecrow;¹⁶⁴ a silken heart for the Tin Man, and a big drink of "courage" from a liquor bottle for the Lion.¹⁶⁵

Dorothy's demand that the Wizard return her to Kansas, however, poses a more difficult challenge, as it requires a substantive solution and not mere symbolism. The Wizard cannot, in fact, even help himself in a substantive way; blown off-course during a balloon ride, his own arrival in Oz was purely accidental, as was his assumption of power.¹⁶⁶ Once ensconced on the throne, the all-powerful Wizard took to hiding in his castle for fear of being unmasked as a fraud.¹⁶⁷ He, unlike Dorothy, took no affirmative action to return home until Dorothy arrived and suggested such a voyage.¹⁶⁸ To a young reader, the Wizard's complacency and powerlessness suggest an inability on the part of adults to solve their own problems, let alone those of their minor charges. Given the Wizard's proven inability to provide meaningful solutions, it comes as no surprise when his plan to transport Dorothy home via hot air balloon fails.¹⁶⁹

This last betrayal by the Wizard finally forces Dorothy to understand that she must continue her quest under her own steam, and she sets out with her friends—who accompany her half out of loyalty and half from a desire to test out their new abilities—on an adventure-filled journey to Glinda's palace, to ask her advice.¹⁷⁰ This trip is not nearly so arduous as the others they have taken; the companions are unfazed by the dangers and travails they meet, and have ample opportunity to put their newfound self-confidence and abilities into action.¹⁷¹ Glinda herself merely confirms what Dorothy already knows. She alone has the power to solve her own problems, and through her actions she has changed the world around her for the better:

163. *Id.*, Chapter XVI, at 283.

164. Hearn, *supra* note 124, at 279 n.1 (explaining that the curious combination of the words BRA(n) + (p)INS = BRAINS, can be understood as a play on words, and that the pins, of course, also help make the Scarecrow sharp).

165. Baum, *supra* note 69, Chapter XVI, at 278. The "square green bottle" described in the story has been identified as a bottle of Dutch gin circa 1900. Hearn, *supra* note 124, Chapter XVI, at 282 n.3.

166. Baum, *supra* note 69, Chapter XV, at 265-66.

167. *Id.*, Chapter XV, at 268.

168. *See id.*, Chapter XV, 266, 268.

169. *Id.*, Chapter XVII, at 291, 293.

170. *Id.*, Chapter XVIII, at 302.

171. Hearn, *supra* note 124, Chapter XXIII, at 352 n.7.

"Your Silver Shoes will carry you over the desert," [said] Glinda. "If you had known their power you could have gone back to your Aunt Em the very first day you came to this country."

"But then I should not have had my wonderful brains!" cried the Scarecrow. "I might have passed my whole life in the farmer's cornfield."

"And I should not have had my lovely heart," said the Tin Woodman. "I might have stood and rusted in the forest till the end of the world."

"And I should have lived a coward forever," declared the Lion, "and no beast in all the forest would have had a good word to say to me."

"This is all true," said Dorothy, "and I am glad I was of use to these good friends. But now that each of them has had what he most desired, and each is happy in having a kingdom to rule beside, I think I should like to go back to Kansas."¹⁷²

Knowing that the power of the golden cap will be lost outside of Oz, Dorothy gives the cap to Glinda, who promises to use it to transport the companions to their homes, and then to return the cap to the Winged Monkeys, thus freeing them from bondage.¹⁷³ Dorothy bids her friends farewell, clicks her heels together, thinks of home, and finds herself running across a Kansas field to a new cabin on the prairie.¹⁷⁴

Like Alice's, Dorothy's final release from the fantasy world follows her realization that her own powers supersede those of formal authorities.¹⁷⁵ Children reading of such self-reliance learn that they should rely on their own abilities, and that they must try to help themselves rather than waiting for aid from adults.

B. A LITTLE HELP FROM MY FRIENDS: MUTUAL ASSISTANCE AS A KEY TO SUCCESS

Throughout her story, however, Dorothy is rarely alone in her struggles. Benevolent assistance, not only from Glinda but also from Dorothy's myriad of other friends and acquaintances, plays a pivotal role in her success. Even as she grows increasingly self-assertive, she also comes to

172. Baum, *supra* note 69, Chapter XXIII, at 351.

173. *Id.*, Chapter XXIII, at 350.

174. *Id.*, Chapter XXIII, at 353-54.

175. *See, e.g.,* Hearn, *supra* note 124, at 352 n.7.

understand that she is stronger with her friends than without them.¹⁷⁶ This reliance on others initially appears at odds with the fundamental story of personal growth, but, in fact, Baum's message is more complicated than that. Dorothy learns that while some individuals can be trusted to help her, her trust and respect must be earned and not given freely. Formal authority, Baum suggests, cannot command deference simply by assuming a title; an ostensibly powerful ruler may be helpless to solve problems that are straightforward to a little girl.¹⁷⁷ The warning to readers is to beware of the "stuffed man"¹⁷⁸ who commands obedience, for unless the individual has proven his mettle he does not deserve respect.

Early on, the Wizard articulates the golden rule of mutual assistance, informing Dorothy that

[y]ou have no right to expect me to send you back to Kansas unless you do something for me in return. In this country everyone must pay for everything he gets. If you wish me to use my magic power to send you home again you must do something for me first. Help me and I will help you.¹⁷⁹

This seems logical to Dorothy, who has, after all, adhered to the rule since arriving in Oz. Each member of Dorothy's band seeks a selfish goal, be it a heart, a brain, courage, or a home, but they can only achieve those goals by pooling their resources. Throughout the story, each companion plays an important role in the group, thereby "earning" the right to demand assistance from the others. Dorothy rescues each character from his initial circumstances, instills him with the mission of achieving his deepest desires, and later liberates him from the Witch's cruelty. The Scarecrow, Tin Man, and Cowardly Lion repay her by protecting and caring for Dorothy however they can, fighting her physical battles, providing moral support, and keeping watch while she sleeps. Even Toto, in the end, proves his worth by revealing the Wizard as a fraud.¹⁸⁰

Mutual assistance is also the key to the little band's interactions with outsiders. In addition to the obvious "tit-for-tat" bargain made with the

176. Baum, *supra* note 69, Chapter XVIII, at 302, 304.

177. *Id.*, Chapter XVIII, at 296. Baum's own view of formal authority is encapsulated in a parting shot at the Scarecrow, who is left to rule the land in Oz's stead: the citizens are "proud of him. 'For,' they said, 'there is not another city in all the world that is ruled by a stuffed man.' And, so far as they knew, they were quite right." *Id.*

178. *Id.*

179. *Id.*, Chapter XI, at 188. Upon her return from the Witch's castle, Dorothy and her companions find they must hold the Wizard to his own rule, stating confidently that "we have come to claim our promise, O Oz." *Id.*, Chapter XV, at 258. This sentiment obviously gives significant credence to those who conceive of the story as a paean to capitalism.

180. *Id.*, Chapter XV, at 259.

Wizard, the companions frequently perform services for others and receive aid in return. After the Tin Woodman saves the Queen of the Mice from certain death in the jaws of a wildcat, thousands of mice assemble to repay the debt by dragging the drugged Cowardly Lion out of the Deadly Poppy Field.¹⁸¹ The mice again assist Dorothy and her friends when they lose their way on their trip back from the Witch's castle.¹⁸² While that aid is limited to suggesting Dorothy use the Golden Cap to call the Winged Monkeys for help, the heroes employ both communal ties (their friendship with the mice) and their own abilities (Dorothy's innate powers, as manifested in the Golden Cap) to achieve their short-term goal of returning to the Emerald City.¹⁸³ Finally, Glinda requires Dorothy to give her the Golden Cap in exchange for teaching her to use her silver shoes.¹⁸⁴

Communal actions also reinforce Baum's underlying political message of the need to reverse the tyranny of the strong over the weak. In making such efforts, the companions quickly learn that there is significant strength in number:

The Cowardly Lion laughed, and said, "I have always thought myself very big and terrible, yet such small things as flowers came near to killing me, and such small animals as mice have saved my life. How strange it all is! But, comrades, what shall we do now?"¹⁸⁵

Similarly, the little band of companions is uniformly resolute at their second meeting with the Wizard, demanding his assistance and forcing his capitulation.¹⁸⁶ If each weaker individual stands with others holding common goals, those in positions of unearned authority cannot triumph.¹⁸⁷

The ultimate message of *Oz*, then, is not that a child must be totally self-reliant at all times, or that she can accomplish all her goals without help from anyone else. It is, rather, that she should not rely on authority figures

181. *Id.*, Chapter IX, at 154-55.

182. *Id.*, Chapter XIV, at 245-46.

183. *Id.*

184. *Id.*, Chapter XXIII, at 348.

185. *Id.*, Chapter X, at 160-62. It was undoubtedly due to passages such as this one that the *Oz* books were frequently culled from library shelves during the McCarthy era.

186. *Id.*, Chapter XV at 258-59.

187. *Id.* Some analysts, wishing *Oz* to be a parable of total self-reliance and independence, solve the problem of Dorothy's useful friends and companions by interpreting them as "extensions of her Self," and thus state that it is merely her own various incarnations that help her along her way. Hearn, *supra* note 124, at 352 n.7; Kolbenschlag, *supra* note 128, at 19. It is unlikely, however, that a child reader would see Dorothy's friends as psychological metaphors. More likely, the child will understand the Good Witches as positive maternal figures and her companions as close friends, and learn that even an industrious and hard-working individual may at times need assistance from trusted confidants to achieve her goals.

simply because they wear the mantle of authority, and that she should trust only those who have earned her respect. Her friends the Scarecrow, the Tin Woodman, and the Lion, not to mention the Good Witches who guard her, save her life repeatedly during the journey, thus proving themselves to her. Glinda, unlike the Wizard, is a true leader in Baum's eyes. She does not purport to solve anyone's problems for them, but merely helps her petitioners to help themselves.¹⁸⁸ Even some individuals with power, then, may earn a subject's respect by demonstrating their abilities and providing concrete assistance to others. Like Alice, Dorothy learns that she should reject blind deference to authority, but she also knows the value of maintaining her trust in those whose virtues and values have been proven.

C. ONE LAST LESSON: POWER, OPPRESSION, AND THE OZIAN LEGAL SYSTEM¹⁸⁹

In *The Tin Woodman of Oz*, the title character informs his audience that the most important law of Oz is to "behave yourself."¹⁹⁰ The original audience of *The Wonderful Wizard of Oz*, however, was left to discern a coherent legal system based solely on the content of that first volume. Baum was a notoriously fast and careless writer,¹⁹¹ and thus his story is rife with inconsistencies of fact as well as theory. Nonetheless, some patterns do emerge to teach child readers basic principles of justice. Again, the law of Oz seems to reinforce Baum's underlying message of the need to overthrow those who abuse their power and strength.

Primarily, Oz is governed by traditional revenge-based fairy tale justice, in which the forces of good uniformly triumph over clearly defined forces of evil.¹⁹² The protagonists are generally pacifistic in nature, like Baum himself, and rarely instigate violent encounters; however, when

188. Baum, *supra* note 69, Chapter XXIII, at 351-52.

189. See Hearn, *supra* note 124, at 298 n.3 ("Even an imaginary world must play by a set of rules.").

190. L. FRANK BAUM, *THE TIN WOODMAN OF OZ* 38 (1918).

191. Hearn, *supra* note 124, at 41 n.11. In the words of early Baum scholar Edward Wagenknecht, "Baum was simply not a minutely consistent writer, and anybody who could 'harmonize' the Oz books might be safely trusted to perform the same service for the Four Gospels." Edward Wagenknecht, in *THE BAUM BUGLE (THE JOURNAL OF THE INTERNATIONAL WIZARD OF OZ CLUB)* 18:1 (Spring 1974). The speed and, presumably, carelessness with which Baum composed his stories can be seen by a chronological overview of his extraordinarily voluminous oeuvre. In 1900, the year that *THE WIZARD OF OZ* first appeared in print, Baum also published two alphabet rhyme books, one volume of original nursery rhymes set to music, fourteen short children's stories, and a trade book entitled *THE ART OF DECORATING DRY GOODS WINDOWS AND INTERIORS*. *Bibliography in THE WIZARD OF OZ AND WHO HE WAS* 201 (Martin Gardner & Russel B. Nye, eds.) (revised ed. 1994) (1957). Thereafter, he published at least one book per year, usually two or three, until his death in 1919. *Id.*

192. See CASHDAN, *supra* note 18, at 35.

threatened, their retribution is swift and final. That retribution almost invariably takes the form of capital punishment. Capital punishment itself, of course, raises myriad moral issues that will not be debated here. The most relevant issue to an inquiry into the Ozian legal system is the question of when it is acceptable to kill one individual in order to avenge or prevent the death of another. There are many deaths in Oz, most of which are doled out by the story's protagonists and which, therefore, are presented as "acceptable killings." The Tin Woodman decapitates a wildcat,¹⁹³ hacks forty wolves to pieces, slays a vast swarm of bees,¹⁹⁴ and sends two monstrous Kalidahs tumbling to their deaths without a second thought,¹⁹⁵ but he bursts into destructive, oxidizing tears when he accidentally kills a beetle.¹⁹⁶ The gentle, practical Scarecrow likewise wrings the necks of forty crows who attack the small band,¹⁹⁷ while the Lion kills a monstrous spider in its sleep.¹⁹⁸ Dorothy herself assassinates the Wicked Witches—the only humanoid creatures to die in the book.¹⁹⁹

These acceptable, "legal" executions occur in disparate circumstances ranging from self-defense to interventionist protection, but are linked by the cardinal prohibition of the tyranny of the strong over the weak. The ferocious wildcat meets its end while chasing the Queen of the Mice, "a pretty, harmless creature;"²⁰⁰ the Kalidahs, bees, crows, and wolves²⁰¹ all attack the party of travelers and are killed in self-defense; and the witch's execution is decreed by the Wizard as punishment for enslaving and tormenting all those around her.²⁰² More importantly, the relationship between the killer and the victim is crucial. Baum has no objections to a fair fight in which both parties are powerful, nor does he object to the weak attacking or destroying the strong. Conversely, the Tin Woodman's

193. Baum, *supra* note 69, Chapter IX, at 148.

194. *Id.*, Chapter XII, 207, 209.

195. *Id.*, Chapter VII, at 127. Kalidahs are fierce, predatory creatures, half bear and half tiger, that dwell in the forest. *Id.*, Chapter VII, at 123. While excised from the MGM film version, the Kalidahs may have played some small part in the infamous refrain of "Lions, and tiger, and bears, oh my!"

196. *Id.*, Chapter VI, at 112-13. Baum provided only a halfhearted explanation for this discrepancy in THE MARVELOUS LAND OF OZ, stating that "[t]he Tin Woodman was usually a peaceful man, but when occasion required he could fight as fiercely as a Roman gladiator." L. FRANK BAUM, THE MARVELOUS LAND OF OZ 219 (HarperTrophy 2001) (1904).

197. Baum, *supra* note 69, Chapter XII, at 208.

198. *Id.*, Chapter XXI, at 334-35.

199. *See id.*, Chapter II, at 36; *id.*, Chapter XII, at 225.

200. *Id.*, Chapter IX, at 148.

201. *Id.*, Chapter XII, at 203-28. Again, while excised from the movie script, these animal armies were the servants of the Wicked Witch of the West and were sent to kill Dorothy and her friends as they approached her castle. *Id.*

202. *Id.*, Chapter XV, at 268.

accidental slaying of a beetle on the road is unjustifiable because the beetle is weak and defenseless compared to the Woodman.²⁰³ Legal retribution in Oz, then, is executed only against "bullies" whose power is usurped by their intended victims. In such cases, Baum seems to suggest, violence and retribution may be justified and even necessary to create and maintain a democratic society.

There are, however, two major flaws in the coherence of the underlying themes of the story. First, Oz himself escapes any punishment for his clearly criminal usurpation of power and false representations. As readers of the Oz series may recall, Baum later reveals that the Wizard held the throne, which he seized by kidnapping the rightful ruler and selling her into slavery, through lies and intimidation.²⁰⁴ His numerous sins, however, are punished only by a bit of embarrassment and a brief scold from a five-year-old.²⁰⁵ His exile from Oz is entirely voluntary, and the companions promise never to reveal his secret in order to save him further humiliation.²⁰⁶ The Wizard's special treatment seems particularly unjust in light of the otherwise egalitarian, leveling effect of the Ozian legal system.

The second flaw is in the death of the Witch herself, which is carried out by decree of the formal ruler—the Wizard—without either a trial or a thorough understanding of why her fate is warranted under the Ozian legal code. While the MGM movie generally followed the novel's story line, it differed significantly in its treatment of the Witch of the West, and thus obscured the meaning of the book's major conflict. In the movie, Dorothy is warned to beware of the Wicked Witch, who promptly appears to terrify the Munchkins, threaten Dorothy "and her little dog, too," and continually returns to harass her by lighting the Scarecrow on fire, menacing Toto, conjuring a field of deadly poppies, and generally making a nuisance of herself.²⁰⁷ In the book, however, the witch is present in only one chapter,

203. *Id.*, Chapter VI, at 112-13.

204. See Baum, *supra* note 196. In THE MARVELOUS LAND OF OZ, the boy Tip, enslaved by the wicked witch Mombi, is revealed to be the lost fairy Princess Ozma, who the Wizard had transformed into a boy and hidden away when she was an infant.

205. See e.g., Baum *supra* note 69, Chapter XV, at 270.

206. *Id.*, Chapter XV, at 274. The Wizard reappears later in the series, chastened and reformed, and is promptly apprenticed to Glinda so he can learn genuine magical skills. See L. FRANK BAUM, DOROTHY & THE WIZARD IN OZ (Harper Collins 1990) (1908).

207. THE WIZARD OF OZ (MGM 1939) [*hereinafter* MGM]. Ironically, while Dorothy may have been more justified in destroying the witch in the film, in that version she failed to take deliberate action in her own defense. MGM's Dorothy merely sits in a locked room, helpless and sobbing, while her friends sneak into the castle to rescue her, and only kills the witch by accident, having doused her with a bucket of water meant to assist the burning scarecrow. *Id.* This is a stark change from the book, in which Dorothy defies the witch's direct orders by smuggling food to the captive Lion and purposefully douses the witch with water in a fit of rage. Compare *id.* with Baum, *supra* note 69, Chapter XII, at 220, 225.

and makes no move against Dorothy until the girl arrives in the West to assassinate her on the Wizard's orders.²⁰⁸ Even when she does appear, she is not without her ambiguities. She is, for instance, unable to steal Dorothy's shoes while the child sleeps because she is afraid of the dark.²⁰⁹ Moreover, the Witch's adverse actions against Dorothy are provoked by her fear of the little girl—a justified fear, as it turns out—and can thus be seen as self-defense. Unlike the self-defense practiced by Dorothy and her friends, however, the Witch's actions are those of a powerful authority figure to quash a rebellion of her subjects, and do not comport with the Ozian definition of “justifiable” violence.

More troubling than this relatively tenuous link to traditional Ozian justice, however, is Dorothy's obedience to the Wizard's command to kill the Witch without analyzing the situation for herself to determine whether the Witch in fact deserves to die. The Wizard, who we later discover is a complete fraud and a compulsive liar, flatly orders Dorothy and her friends to slay the “Wicked Witch,” but gives no rationale for his order nor offers any details about what makes her “Wicked.”²¹⁰ Others, including the Witch of the North and the foolish Guardian of the Gates warn Dorothy that the Witch “would make you her slave if you passed her way”²¹¹ and “is wicked and fierce,”²¹² but their knowledge seems gleaned only from rumor and propaganda from the Wizard. The reader later learns that the Wizard—a political usurper himself—was forcibly ejected from the West by the Witch herself,²¹³ which could plausibly give rise to some personal animus based not on the Witch's inherent “wickedness” but simply her political victory over him. It is somewhat out of character for Dorothy to take the Wizard's word on such an important matter without engaging in her own logical analysis of the situation. Possibly, Dorothy would have reached a similar conclusion after witnessing the fate of her friends at the hands of the Witch,

The film Dorothy remains deferent even after the Witch is defeated. The Wizard is revealed as a humbug only by an accident in which Toto pulls away his concealing curtain, not through the group's defiance, and Dorothy sits down and cries until Glinda appears at her side rather than making the difficult journey to the Good Witch's home. MGM, *supra* note 207. These are important variations from the book. Dorothy does not gain assertiveness or confidence; she simply continues to drift through life, taking things as they come, and lacking any active role in her fate. While this relatively weak heroine may carry more cachet with movie-going audiences, she is certainly a lesser role model for children than the original. See Cashdan, *supra* note 18, at 60-61.

208. See Baum, *supra* note 69, Chapter XII, at 205 (marking the Witch's first appearance in the book).

209. *Id.*, Chapter XII, at 223. See also Hearn, *supra* note 124, at 222 n.15.

210. Baum, *supra* note 69, Chapter XI, at 187-200.

211. *Id.*, Chapter II, at 49.

212. *Id.*, Chapter XII, at 204.

213. *Id.*, Chapter XIV, at 251.

but her initial obedience to the Wizard is based only on deference, and is never really questioned.

These problems with the otherwise consistent themes of the book may or may not have been intentionally created by Baum. Regardless, the relevant inquiry is what jurisprudential lessons a child reader would learn from the portrayal of justice in Oz. In fact, these latter two examples serve a crucial purpose, as a child could easily discern from them that justice is not always an issue of black and white or good and evil, as it is presented in the vast majority of children's stories. Moral ambiguity, unfairness, and inconsistency are a part of life. The wizard is not, after all, a thoroughly "bad man;"²¹⁴ he simply made a serious error in judgment. The witch, on the other hand, may simply have been the victim of politics. The differences between their punishments demonstrate the inconsistency of law itself, with which both children and adults can readily identify. An older sibling may be punished more harshly than a younger child for an identical transgression, and white-collar criminals (many of whom are arraigned for crimes quite similar to the Wizard's) routinely receive lenient sentences while indigent drug users are pilloried in the press. The average citizen, represented here by Dorothy, cannot always discern official opinions—which can be questioned and rejected by a logical analyst—from hard facts. The law is not always fair, either in Oz or in Kansas.

V. CONCLUSION

Alice and Dorothy are archetypes of the times and places of their creation. *The Wonderful Wizard of Oz* is an unabashedly American book, written in the heartland of the country in the twilight of the frontier era. *Alice's Adventures in Wonderland*, written thirty-five years earlier on the Oxford campus, reflects the proper Victorian consciousness of its day. Likewise, they differ significantly in their treatment of law, which is presented as a formal exercise in futility in Alice and as a part of daily life in Oz. Despite their fundamentally different social perspectives, however, Dorothy and Alice share a unique competence and practicality that those around them obviously lack. Alice is rational and exercises obvious self-control, while the other Wonderland creatures are, quite literally, childish, throwing tantrums and lashing out at others with no social impulses.²¹⁵ Dorothy, meanwhile, travels through Oz providing aid to countless adults, rescuing her three adult male companions, freeing the Munchkins and Winkies, and liberating the Wizard himself from his own tangled web of

214. *Id.*, Chapter XV, at 270.

215. Auden, *supra* note 13, at 9.

deceit. In the end, both heroines teach young readers to trust their own judgment in order to determine what laws and authorities are logical and justified. In the course of their adventures, both Alice and Dorothy impose order upon worlds that seem to lack it, and teach child readers that logic and self-reliance are better virtues than blind obedience. In a society that promotes independence above all other virtues, the development of this very grown-up legal consciousness may be the most useful lesson a child can learn.